

PILLSBURY WINTHROP SHAW PITTMAN LLP
SARAH G. FLANAGAN 70845
sarah.flanagan@pillsburylaw.com
ROBERT J. NOLAN 2357738
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50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
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Facsimile: (415) 983-1200

Attorneys for Defendants
STANFORD UNIVERSITY and MAIA YOUNG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SOREN ANDERSEN,

Plaintiff,

vs.

MAIA YOUNG, an individual; STANFORD
UNIVERSITY, a business entity unknown;
and DOES 1-100, inclusive,

Defendants.

No. C-07-03766

DECLARATION OF ROBERT J.
NOLAN IN SUPPORT OF STANFORD
UNIVERSITY'S AND MAIA
YOUNG'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT
PURSUANT TO FRCP 12(b)(1) and (6)

Date: January 14, 2008
Time: 9:00 a.m.
Dept.: Courtroom 8
Judge: Hon. James Ware

I, ROBERT J. NOLAN, declare as follows:

1. I am an associate in the law firm of Pillsbury Winthrop Shaw Pittman LLP, counsel of record for defendants STANFORD UNIVERSITY and MAIA YOUNG in this action. I have personal knowledge of the facts stated herein, and, if called as a witness, could competently testify thereto.

2. I am informed by Jason A. Catz, an associate with Pillsbury Winthrop Shaw Pittman LLP, and believe that he served Soren Andersen by email on August 31, 2007 with a copy of Stanford University's and Maia Young's Notice of Motion and Motion to Dismiss

1 First Amended Complaint Pursuant to FRCP 12(b)(1) and (6) and Memorandum of Points
2 and Authorities in Support Thereof; Stanford University's and Maia Young's Request for
3 Judicial Notice in Support of Motion to Dismiss First Amended Complaint Pursuant to
4 FRCP 12(b)(1) and (6); and Proposed Order Granting Stanford University's and Maia
5 Young's Motion to Dismiss First Amended Complaint Pursuant to FRCP 12(b)(1) and (6)
6 (collectively, "Moving Papers"). A copy of the Moving Papers was also served on Mr.
7 Andersen via regular mail on that date.

8 3. The set of the Moving Papers that were served via regular mail were
9 returned to our office last week.

10 4. On October 24, 2007, I notified Mr. Andersen at the same email address as
11 had been used for service that the hard-copy set of the Moving Papers had been returned to
12 our office. On October 26, 2007, Mr. Andersen responded by asking for a copy of the
13 returned envelope. Later that day, I sent him a copy of the front and back of the envelope
14 and requested that he inform us if he intended to claim prejudice because he did not receive
15 the hard-copy set of the Moving Papers and, if so, whether he wished us to renotice the
16 motion for January 14, 2008, the next available hearing date. He did not respond to my
17 October 26, 2007 email. On October 29, 2007, I again asked that he respond to my
18 requests. As of this date, I have not received a response from Mr. Andersen to my October
19 26 and 29 emails. A true and correct copy of my October 24-29, 2007 email
20 correspondence with Mr. Andersen is attached hereto as Exhibit A.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed
22 this 1st day of November 2007, at San Francisco, California.

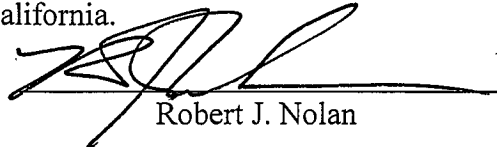
23 
24 Robert J. Nolan

EXHIBIT A

Nolan, Robert J.

From: Nolan, Robert J.
Sent: Monday, October 29, 2007 12:13 PM
To: 'Soren Andersen'
Cc: Flanagan, Sarah G.
Subject: RE: Andersen v. Young, et al.

We have not received a response to the email, below. Please inform us of your position.

Best,
Rob Nolan

Robert J. Nolan | Pillsbury Winthrop Shaw Pittman LLP
Tel: 415.983.1864 | Fax: 415.983.1200 | Cell: 415.690.3263 50 Fremont Street | San Francisco, CA 94105-2228

Email: robert.nolan@pillsburylaw.com
Bio: <http://www.pillsburylaw.com/robert.nolan>
www.pillsburylaw.com

-----Original Message-----

From: Nolan, Robert J.
Sent: Friday, October 26, 2007 3:34 PM
To: Soren Andersen
Cc: Flanagan, Sarah G.
Subject: RE: Andersen v. Young, et al.

Mr. Andersen:

I attach copies of the front and back of the envelope. As you will see, the postal authorities put a label over our label. I checked again with the secretary who handled service of the documents, and he still believes that he used the same address as that set forth in the proof of service. However, as I was preparing the envelope to be scanned, I also held up the envelope to the light to see if I could read the address on our label. While it is not clear, I have a concern that the label may have had your former Denmark address on it. I plan to file a declaration with the court explaining that the proof of service may have been in error. Since you were served via email at the same time, I do not see any prejudice to you in terms of timely preparing your opposition. Indeed, you received our papers via email earlier than you would have received them via regular mail (and more than 2 months prior to the hearing date). Nonetheless, if you believe that you have been prejudiced in some way by the failure to receive a second set of our papers via regular mail, we are willing to renote the motion to the next available hearing date (which we are told is January 14). Please let us know immediately if you wish us to renote the motion for a January hearing date.

Best,
Rob Nolan

Robert J. Nolan | Pillsbury Winthrop Shaw Pittman LLP
Tel: 415.983.1864 | Fax: 415.983.1200 | Cell: 415.690.3263 50 Fremont Street | San Francisco, CA 94105-2228

Email: robert.nolan@pillsburylaw.com
Bio: <http://www.pillsburylaw.com/robert.nolan>
www.pillsburylaw.com

-----Original Message-----

From: Soren Andersen [<mailto:cali@mail.md>]
Sent: Friday, October 26, 2007 10:39 AM
To: Nolan, Robert J.; Flanagan, Sarah G.
Cc: cali@mail.md
Subject: Re: Andersen v. Young, et al.

Dear Mr. Nolan et al.,

In your email, your Offices claim to have, on October 23, received as return mail an envelope that your Offices allegedly US postal mailed Plaintiff on August 31, 2007. Plaintiff requests your Offices email promptly as an email attachment a scan (in PDF format) of the entire front side of the envelope.

Dated: October 26, 2007

By: Soren Andersen
Plaintiff in pro se
Case: C 07-03766 JW
Postboks 1146, DK-1010 Copenhagen K, Denmark.

>-----Original Message-----

>From: Nolan, Robert J. [mailto:robert.nolan@pillsburylaw.com]

>Sent: Wednesday, October 24, 2007 03:35 PM

>To: cali@mail.md

>Cc: 'Flanagan, Sarah G.'

>Subject: Andersen v. Young, et al.

>

>> Mr. Andersen:

>>

>> We previously sent you a copy of our motion to dismiss and supporting
>> papers via email and in hard copy. The hard copy was returned to our
>> office yesterday. It was mailed on August 31, 2007 to the address
>> listed on the papers you have filed in this case: Postboks 1146,
>> DK-1010 Copenhagen K, Denmark. If your address has changed please
>> inform us and the Court as soon as possible.

>>

>> Best,

>> Rob Nolan

>>

>> Robert J. Nolan | Pillsbury Winthrop Shaw Pittman LLP

>> -----

>> Tel: 415.983.1864 | Fax: 415.983.1200 | Cell: 415.690.3263 50

>> Fremont Street | San Francisco, CA 94105-2228

>>

>> Email: robert.nolan@pillsburylaw.com

>> <mailto:firstname.lastname@pillsburylaw.com>

>> Bio: <http://www.pillsburylaw.com/robert.nolan>

>> <<http://www.pillsburylaw.com/bv/bvisapi.dll/portal/ep/profDetail.do/b>

>> i

>> o/15374>

>> www.pillsburylaw.com

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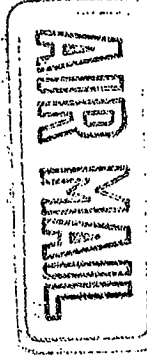
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>-----The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Help Desk at Tel: 800-477-0770 x4860 immediately by telephone or by return E-mail and delete this message, along with any attachments, from your computer. Thank you.

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United States Postal Service
Customs Declaration
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Out ☐ Gift ☐ Commercial sample ☐ Other

Quantity and detailed description of contents (1) Weight (2) lb. oz. Value (3) (US \$)

Legal Documents

For commercial items only if known, HS tariff number (4) and country of origin of goods (5)



PS Form 2976, January 2004



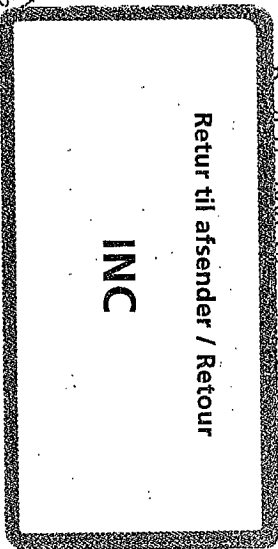
Pilsbury
 Winthrop
 Shaw
 Pittman

Soren Andersen

ROBERT J. FOLEY

50 Fremont Street
 San Francisco, CA 94105-2228

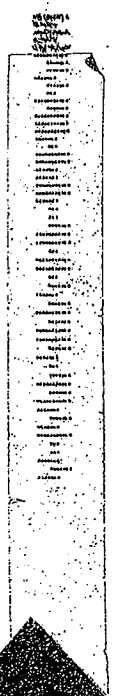
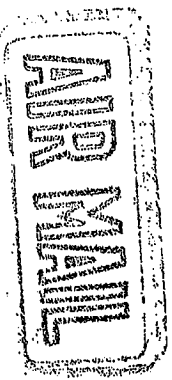
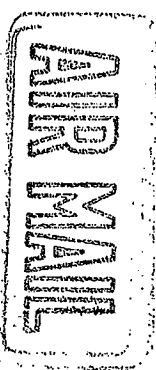
MAILING ADDRESS
 P.O. Box 7880
 San Francisco, CA 94120-7880

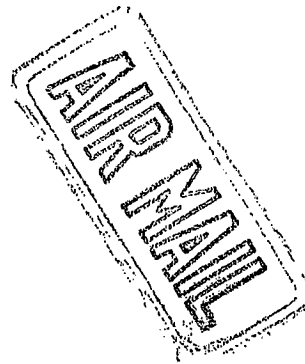


Return til afsender / Retour



UNITED STATES POSTAGE
 \$ 10.40
 02 1M
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 AUG 31 2007
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post Retour CN15 / P31

Forsendelsen returneres fordi /
Cause du renvoi

☒ modtageren er ubekendt på adressen /
l'occupé est inconnu

☐ adressen er utilstrekkelig /
l'adresse est insuffisante

☐ modtageren er flyttet uden at melde
flytning / le destinataire a déménagé sans donner avis de
changement d'adresse

☐ flytteanmeldelsen er udløbet /
l'avis de changement d'adresse expire

☐ modtageren nægtede at modtage
forsendelsen / le destinataire a refusé

☐ forsendelsen blev ikke afhentet /
non réclamé

Ondelers underskrift _____

Rute _____ Dato / Date de retour _____

